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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Valentino Dimitrov, individually, and on
behalf of all others similarly situated;

Plaintiffs,

vs.

Stavatti Aerospace, Ltd, a Minnesota
corporation; Stavatti Aerospace, Ltd, a
Wyoming corporation; Stavatti
Corporation, a Minnesota corporation;
Stavatti Immobiliare Ltd, a Wyoming
corporation; Stavatti Industries, Ltd, a
Wyoming corporation; Stavatti Niagara,
Ltd., a New York corporation Stavatti
Super Fulcrum, Ltd, a Wyoming
corporation; Stavatti Ukraine, a Ukrainian
business entity; Stavatti Heavy Industries
Ltd, a Hawaii corporation; Christopher
Beskar and Maja Beskar, husband and wife;
Brian Colvin and Corrina Colvin, husband
and wife; John Simon and Jean Simon,
husband and wife; William Mcewen and
Patricia Mcewen, husband wife; Rudy
Chacon and Jane Doe Chacon, husband and
wife; and Does 1 through 10, inclusive,

Defendants.

Case No.: 2:23-CV-00226-PHX-DJH

**PLAINTIFF'S MOTION TO COMPEL
DEFENDANT BRIAN COLVIN'S
DEPOSITION**

1 Plaintiff Valentino Dimitrov, by and through undersigned counsel, respectfully
2 submits this Motion to Compel the Deposition of Brian Colvin, and in support thereof,
3 states as follows:

4 **I. FACTUAL BACKGROUND**

5 1. On or about December 31, 2024, Plaintiff's served a Notice of Deposition
6 on Mr. Colvin, scheduling his deposition for January 24, 2024 at 9:00 am in Phoenix,
7 Arizona. A copy of the Notice of Deposition is attached as **Exhibit A**.

8 2. On January 24, 2025, Mr. Colvin failed to appear for his deposition as
9 scheduled.

10 **II. LEGAL ARGUMENT**

11 1. Under Federal Rule of Civil Procedure 30(a), a party may depose any
12 person, including a non-party witness, upon proper notice.

13 2. Federal Rule of Civil Procedure 37(a)(3)(B)(i) permits a party to move for
14 an order compelling discovery, including a deposition, when a deponent fails to appear
15 without justification.

16 3. Mr. Colvin was properly noticed for his deposition and had a legal
17 obligation to appear or seek a protective order under Federal Rule of Civil Procedure
18 26(c). His failure to do so violates the discovery rules.

19 4. Compelling the deposition of Mr. Colvin is necessary to ensure the fair and
20 efficient resolution of this case. Mr. Colvin possesses critical information as a named
21 Defendant that cannot be obtained from other sources.

22 **III. RELIEF REQUESTED**

23 WHEREFORE, Plaintiff respectfully requests this Court:

24 1. Grant this Motion to Compel the Deposition of Defendant Brian Colvin;
25
26
27

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of January 2025, a copy of the foregoing was transmitted electronically to the CM/ECF filing system for filing and transmittal along with copies transmitted to all parties and counsel of record via the CM/ECF system.

By: Shelly N. Witgen, ACP